

Mathew K. Higbee (*Pro Hac Vice*)
Naomi Sarega (*Pro Hac Vice*)
HIGBEE & ASSOCIATES
1504 Brookhollow Dr., Suite 112
Santa Ana, CA 92705
(714) 617-8352
(714) 597-6729 facsimile
Email: mhigbee@higbeeassociates.com
nsarega@higbeeassociates.com

Gregory P. Howard
DONOVAN O'CONNOR & DODIG
116 South St.,
Bennington, VT 05201
(802) 442-3233
gph@docatty.com
Attorneys for Defendant/Counterclaim Plaintiff,
ADLIFE MARKETING
& COMMUNICATIONS CO., INC.,

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT**

MYWEBGROCER, INC.,

Plaintiff and
Counterclaim Defendant,

v.

ADLIFE MARKETING &
COMMUNICATIONS CO., INC.,

Defendant and
Counterclaim Plaintiff.

Civil Action No. 5:16-CV-00310-GWE

**MOTION FOR LEAVE TO FILE
DOCUMENTS UNDER SEAL**

**ASSENTED-TO MOTION FOR LEAVE TO FILE CONFIDENTIAL MATERIAL
UNDER SEAL**

Pursuant to Local Rules 5.2 and 7, Defendant and Counterclaim Plaintiff Adlife Marketing and Communications Co, Inc. ("Adlife"), by and through its undersigned attorneys, hereby moves for leave to file the following documents in unredacted form under seal:

- Adlife's Opposition to MyWebGrocer's Motion for Partial Summary Judgment on Liability;
- Adlife's Opposition to MyWebGrocer's Motion for Partial Summary Judgment on Damages;
- Adlife's Resoponse to MyWebGrocer's Separate Statement of Undisputed Facts; and
- Complete versions of Exhibit 39 – Exhibit A to the Declaration of Douglas Fleurant.

The items listed above contain material that has been designated "Confidential" pursuant to the Confidentiality Stipulation and Protective Order (ECF 40) entered in this case. The Confidential material contained in those documents are further referenced or quoted in Adlife's Oppositions to MyWebGrocer's two Motions for Summary Judgment and its Response to MyWebGrocer's Statement of Undisputed Facts.

Pursuant to Local Rule 7(a)(7), the undersigned certifies that Adlife made a good faith attempt to obtain Defendant's assent to the relief requested herein, and that MyWebGrocer's counsel has provided the requested assent.

WHEREFORE, Adlife respectfully requests that this Court GRANT its Motion to File the foregoing documents in unredacted form under seal and in redacted form on ECF.

Dated: March 31, 2019

Respectfully submitted,

/s/ Mathew K. Higbee

Mathew K. Higbee, Esq.

Naomi M. Sarega, Esq.

HIGBEE & ASSOCIATES

1504 Brookhollow Dr., Ste 112

Santa Ana, CA 92705-5418

(714) 617-8349

mhigbee@higbeeassociates.com

nsarega@higbeeassociates.com

/s/ Gregory P. Howard

Gregory P. Howard

Donovan O'Connor & Dodig, LLP

116 South St.

Bennington, VT 05201

(802) 442-3233

gph@docatty.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by electronically filing with the Clerk of the Court using CM/ECF on this **31st** day of **March 2019**, on all counsel or parties of record on the service list below.

/s/ Ryan E. Carreon
Ryan E. Carreon

SERVICE LIST

Matthew S. Borick
mborick@drm.com
Cathleen E. Stadecker
cstadecker@drm.com
Peter Kunin
pkunin@drm.com
DOWNES RACHLIN MARTIN, PLLC
199 Main Street
P.O. Box 190
Burlington, VT 05402